IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO.7854 of 1995

Between:

1. Gandhavalla Suryaprakasha Rao S/o late Raghavulu Chetty
   R/o Puchalapalli (V) Kota (M), Nelllore Dist.
2. P. Subba Rao S/o late Seshaiah, R/o Puchalapalli (V) Kota (M),
   Nelllore Dist.
3. P. Laxminarayana S/o late Seshaiah, R/o Puchalapalli (V) Kota (M),
   Nelllore Dist.
4. Thota Venkata Subbaiah S/o late sathi Rajulu, R/o Puchalapalli (V)

Kota (M), Nelllore Dist.
5. Gandhavalla Sulochanamma W/o late Gopalakrishnaiah, R/o

Puchalapalli (V), Kota (M), Nelllore Dist.

..... PETITIONERS

AND

1 The Sub-Collector, Gudur, Nellore Dist.
2 The Mandal Revenue Officer, Kota (M), Nellore Dist.
3 The District Collector, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate Writ, order or direction, more in the nature of Writ of Mandamus and declare the action of the respondent in granting Pattas to Harijans in respect of extent of land in Survey Nos. 4/10(2), 4-9(3), 4/6(4), 4/7(5), 4/8 in Puchalapalli (V) of Kota Mandal, Nellore Dist. and consequently direct the Respondent not to interfere with the possession of the petitioners in respect of the above said lands till the appeal filed by them before the 1st Respondent is disposed of.

Counsel for the Petitioners: SMT.M.BHASKARA LAKSHMI
Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the Respondents in granting pattas to Harijans in respect of extent of lands in Survey Nos.4/10(2), 4/9(3), 4/6(4), 4/7(5), and 4/8 situate in Puchalapalli village of Kota Mandal, Nellore District, as illegal and arbitrary and consequently to direct the respondents not to interfere with the possession of the petitioners in respect of the above said lands till the appeal filed by them before the 1st respondent is disposed of.

The brief facts of the affidavit filed in support of the writ petition are that the petitioners, being landless poor, were assigned lands by the then Tahsildar, Puchalapalli village of Gudur Taluk in Survey Nos.4/10, 4/9, 4/6, 4/7 and 4/8 respectively and 'D' form pattas were given to them in the year 1971 and 1975. Ever since assignment of lands they have been in possession and enjoyment of the same by cultivating and paying taxes to the Government. While so, the then Tahsildar, Gudur vide proceedings in RC.B3.No.3448/79, dated 01.08.1979 passed orders for resuming the lands assigned to them. Questioning the said proceedings they filed Writ Petition No. 7182 of 1979 before this Court, which was dismissed on 20.11.1979. Aggrieved by the same, they filed Writ Appeal No. 467 of 1979, which was disposed of on 30.12.1985, and as per the directions in the said Writ Appeal they preferred appeal before the first respondent-Sub-Collelctor, Gudur, within the time as prescribed by this Court. The respondents without disposing of the appeal filed by them issued pattas to Harijans in respect of the lands, which were in their possession and enjoyment. According to the petitioners, the action of the respondents, in granting pattas in respect of the lands assigned to them, to Harijans, is arbitrary and illegal and violation of principles of natural justice.

Even though the present writ petition was admitted on 20.04.1995, no counter affidavit has been filed by the respondents-Government. There being no response

from the respondents in spite of lapse of nearly ten years from the date of filing the writ petition and in spite of granting sufficient time to them to file counter, it has to be presumed that the case put forth by the petitioners in this writ petition is true and correct, and the respondents have no case to defend, and as such, the writ petition deserves to be allowed as prayed for.

Accordingly, the writ petition is allowed as prayed for. No costs.

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(N.V. RAMANA, J)

Date: 03.08.2004

Nsr/Asp

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, the 3rd day of August, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1 The Sub-Collector, Gudur, Nellore Dist.
2 The Mandal Revenue Officer, Kota (M), Nellore Dist.
3 The District Collector, Nellore Dist.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.